

1 to you, if you'd like. That one we looked at earlier.

2 Q That I didn't ask you any questions about?

3 A That one.

4 Q As I understand it, it was Mr. Miller -- Ben Miller

5 who made you aware of the job opportunity at Portland. Isn't

6 that right?

7 A Yes, sir.

8 Q And you interviewed with Jane Duff and with Paul

9 Crouch. Am I correct?

10 A Jane Duff first.

11 Q And then Paul Crouch.

12 A And she told Mr. Crouch that I was interested and

13 then he met with me.

14 Q And that was Paul Crouch.

15 A Yes.

16 Q And those were the only NMTV persons that you met

17 with, am I correct, before you were employed?

18 A Yes, sir.

19 Q Now, in -- with reference to the Praise the Lord

20 program, you have a local Praise the Lord program, correct?

21 A Yes, sir.

22 Q And you follow TBN's guidelines with reference to

23 that program, don't you?

24 A No, we don't, sir.

25 Q Well, at your deposition, at Transcript 55, on

1 September 29, Line -- we have to go back to --  
2 JUDGE CHACHKIN: You don't have the deposition.  
3 MR. McCLELLAN: Oh, I don't?  
4 JUDGE CHACHKIN: No. Go ahead.  
5 MR. COHEN: What I'd like to do, with your  
6 permission, Your Honor, is show this to the witness and it's a  
7 long --  
8 JUDGE CHACHKIN: Go ahead if it's going to refresh  
9 his recollection.  
10 MR. COHEN: It's long. And see if this is --  
11 MR. TOPEL: Mr. Cohen, could you let me know what  
12 you're showing the witness?  
13 MR. COHEN: Sure. Line 17.  
14 MR. TOPEL: What page?  
15 MR. COHEN: 55.  
16 BY MR. COHEN:  
17 Q Does this refresh your recollection, Line 17?  
18 A Yes.  
19 JUDGE CHACHKIN: How much do you want him to read?  
20 MR. COHEN: Just three lines.  
21 BY MR. COHEN:  
22 Q Why don't you read into the record what you  
23 testified to?  
24 A "So on our local Praise the Lord program, we follow  
25 their guidelines because it's really their program

1 technically." I think I misunderstood your question.

2 Q You may have and I wasn't trying to impeach you  
3 there. I was just trying to get your recollection. What I'm  
4 trying to find out is, isn't it so that you follow the  
5 guidelines of TBN in connection with the local Praise the Lord  
6 program?

7 A Some guidelines, yes, as of the form of the program.  
8 But they have to have theirs approved through TBN and we don't  
9 get ours approved. We make the decisions ourselves on the  
10 program. So yes, there's some guidelines as far as the  
11 structure of the program. It's two hours and we use local  
12 pastors as hosts, those things. But as far as the other  
13 guidelines that say that they have to check their people  
14 through TBN, we do not check through anyone there. We do it  
15 all ourselves.

16 Q Thank you. That's helpful. Now, I'm correct that  
17 you carry the full TBN menu of programming except for the  
18 programs that you preempt.

19 A Yes, sir.

20 Q And thus you don't carry any programming from any  
21 other source than TBN, apart from the programming that the  
22 station originates itself.

23 A That's right.

24 Q I just want to review with you briefly the amount of  
25 hours the station broadcasts and as I understand it, the

1 station went on the air in November of 1989. Isn't that  
2 right?

3 A Yes, sir.

4 Q And then it broadcasts about eight hours a day. Is  
5 that correct?

6 A Yes, sir.

7 Q And that was all TBN programming, of course.

8 A Yes, sir.

9 Q And then in approximately February of 1990, you went  
10 to sixteen hours a day. Is that right?

11 A Yes, sir. I believe that's true.

12 Q And again, that was all TBN programming, right?

13 A Yes, sir.

14 Q And do you remember when you went from sixteen to 24  
15 hours?

16 A I don't remember the exact date. I want to say it  
17 was like March -- February, March, April, somewhere in that  
18 time frame.

19 Q Thank you. And that was -- that was all TBN  
20 programming until -- until when? What's your best  
21 recollection?

22 A Well, June of '92, we did the Joy program and then  
23 August, September, we did Northwest Focus and then the local  
24 Praise the Lord. They had construction problems that didn't  
25 allow us to get on and do local programming before that.

1 Q Thank you. Now, I'm correct that there came a time  
2 when there was a TBN revival in Portland?

3 A Yes, sir.

4 Q And you were asked by Mrs. Duff to lend the stations  
5 efforts to cooperate with that revival. Isn't that right?

6 A Yes.

7 Q And Ben Miller came to Portland then, didn't he?

8 A Yes. With the truck.

9 Q And how did the station cooperate? What did you do?

10 A We helped make some local reservations and give them  
11 local people to -- as far as the truck, the satellite uplink.  
12 We helped them with hotel reservations. We helped them find  
13 the lighting people in town to do the shoot. We provided a  
14 couple of our employees to help them rig cables and those  
15 kinds of things.

16 Q And it was Jane Duff that asked you to do that.

17 A Yes, it was.

18 Q And Paul Crouch and Jane -- and Jan Crouch were in  
19 Portland as part of this revival. Is that right?

20 A Yes, sir.

21 Q Do you have -- can you give me your best  
22 recollection as to when that occurred?

23 A I believe it was September of October of -- it was  
24 either '90 or '91. It was early.

25 Q And this revival was carried over the TBN network.

1 Isn't that right?

2 A Yes, it was.

3 Q Now, I want to just ask you a few questions about  
4 the staff. First, so the record is clear, you're not a member  
5 -- you're not a minority. That's correct, isn't it?

6 A Yes.

7 MR. TOPEL: Your Honor, I'm going to object. We  
8 offered evidence about the racial composition of the staff  
9 that was rejected.

10 MR. COHEN: Well, Your Honor, the reason I've asked  
11 this, there's been a lot of testimony about the minority focus  
12 and minority emphasis on -- and I don't need to repeat that  
13 and so --

14 JUDGE CHACHKIN: I'll overrule the objection. Go  
15 ahead and ask.

16 BY MR. COHEN:

17 Q Now, your wife is public affairs director. Is that  
18 correct?

19 A Yes.

20 Q And she's not a member of a minority group. Am I  
21 correct?

22 A She's a woman.

23 Q She's a woman, but she's not Hispanic or she's not  
24 black. She's white, isn't she?

25 A Right. You're right.

1           Q     I guess I do have to ask you a question, I'm sorry,  
2 about that agreement which would be 383 and I need to -- I  
3 want to ask you about the first addendum and I don't know if  
4 that's a Bureau exhibit or not. The first addendum is --  
5 perhaps you should look at Exhibit -- Glendale Exhibit 192 and  
6 the Glendale exhibits are up here. Here we go.

7           JUDGE CHACHKIN: That was what number?

8           MR. COHEN: That would be 192.

9           MR. SHOOK: Is 192 in evidence, Your Honor?

10          JUDGE CHACHKIN: I thought it was.

11          MR. COHEN: If it's not in evidence, I didn't  
12 realize it wasn't.

13          MR. SHOOK: Just to shortcut this and get everybody  
14 on the same page, we do have the first addendum on Mass Media  
15 Exhibit 383. It begins on Page Eight.

16          MR. COHEN: Thank you. I didn't realize that. I'd  
17 rather --

18          JUDGE CHACHKIN: 192 is not in evidence.

19          MR. COHEN: Thank you. I'd rather work from your  
20 exhibit. Thank you.

21          MR. McCLELLAN: What exhibit is that?

22          MR. SHOOK: It's Exhibit 383 and the part that Mr.  
23 Cohen is referring to begins on Page Eight.

24          MR. COHEN: Thank you. I didn't realize that.

25          BY MR. COHEN:

1 Q What I wanted to ask you, sir, was with reference to  
2 the addendum, which you have before you, am I correct that the  
3 addendum covers the voice-overs that you provide?

4 A Yes, I believe so.

5 Q And am I correct that NMTV bills Media Services  
6 Company which -- is that correct?

7 A Yes, sir. My announcements, yes, sir.

8 Q Now, how does Media Services get into the act here?  
9 Do you understand what role they provide?

10 A Jane told me when I originally started that when we  
11 started going local productions, that I could give them my  
12 rate card and give them information, but that Media Services  
13 worked with us and would handle the contracts for me, so that  
14 I would send -- have them call Media Services and they would  
15 cut the deal or whatever.

16 Q "They" meaning who?

17 A Media Services.

18 Q Media Services cuts the deal with whom?

19 A With Jane and the person that's -- whoever the local  
20 producer is.

21 Q And that's the way -- and that's the way you have --  
22 that's the way you've gone about this thing.

23 A That's my understanding. We haven't had -- we have  
24 some people we're talking with now, but we haven't really done  
25 anything like that. We have sent some people to them who are

1 interested in buying spot time and whatever else. We've told  
2 them what our rate card is and they've contacted Media  
3 Services.

4 Q Now, do you have an understanding of what Media  
5 Services' role is with reference first to NMTV, to Portland?

6 A Their role?

7 Q Yeah.

8 A They are a media agency.

9 Q Thank you. I want to ask you just a few questions  
10 about your rate card. Now, you -- you're the one that worked  
11 on the rate card, didn't you?

12 A Yes, sir.

13 Q And you developed the production list, right?

14 A Yes, sir.

15 Q And in doing that, you checked with Bob Higley at  
16 the TBN station in Indiana. Is that correct?

17 A Yeah. I looked in the ADI book and saw that he was  
18 at the close ADI as ours and so I called him and asked him if  
19 he could send me a copy of his rates.

20 Q And that was to be helpful to you in preparing your  
21 rates.

22 A Yes. Because were we close ADI's.

23 Q And you also got in touch with the TBN station in  
24 Seattle. Isn't that right?

25 A Yes. I asked them because they were in the

1 northwest. I asked them if they can send me something that I  
2 can use in preparation.

3 Q Did you contact any other television stations for  
4 help?

5 A I checked with local media houses in town, in  
6 Portland, that did production.

7 Q Any other television stations?

8 A Well, I had a couple of part-time, on-call people  
9 who worked for other television stations who told me what  
10 their prices were and I had them look over that information  
11 and they agreed.

12 Q So I take it that both the Seattle station and the  
13 Indianapolis station sent you their rate card for your review.  
14 Is that it?

15 A Yes.

16 Q Now, Mark Fountain is the chief engineer, of course.

17 A Yes, sir.

18 Q In Portland. Now, if there's a problem that Mark  
19 Fountain encounters, an engineering problem, he first talks to  
20 you about the problem, right?

21 A Yes.

22 Q But you don't have any heavy engineering knowledge,  
23 do you?

24 A Not heavy engineering.

25 Q And then what happens next?

1           A     Usually I will ask Jane if it's okay if I have Mark  
2 call Ben because he's a consultant and so I usually ask her  
3 permission if she can -- if he can call.

4           Q     And that's the chain of command then that you've  
5 just described, that is Mark goes to you, you go to Jane, and  
6 then with her permission, Mark goes to Ben Miller.

7           A     Yes.

8           Q     Thanks. But you don't have any idea, do you, as to  
9 whether Mr. Miller is paid by NMTV, do you?

10          A     I don't know anything about that.

11          Q     And you don't know whether he works -- strike that.  
12 You don't know whether he provides services pursuant to a  
13 written agreement or not, do you?

14          A     No, I don't know that to be sure.

15          Q     All you know is that he's a consultant, right?

16          A     That's what I've been told.

17          Q     And you've been told that by Jane Duff.

18          A     Yes.

19          Q     And that's the sole extent of your knowledge  
20 concerning Ben Miller, right?

21          A     Other than FAXes that say consultant to NMTV that  
22 I've received.

23          Q     Thank you. Now, your wife's title is public affairs  
24 and traffic, right?

25          A     Yes, sir.

1 Q Mark Fountain is not a member of a minority group,  
2 is he?

3 A No, he's not.

4 Q And the assistant chief engineer is not a member of  
5 a minority group, is he?

6 A No, he's not, sir.

7 Q But the prayer partner supervisor is a female.  
8 Isn't that right?

9 A Yes. And our production supervisor is African-  
10 American.

11 Q That was my next question.

12 A Yes. He's also assistant station manager.

13 Q You anticipated me. I want to ask you about another  
14 exhibit and that would be -- here you're going to have to look  
15 at a Glendale exhibit. It's 115. This is in evidence, Mr.  
16 McClellan, and read Exhibit 115 to yourself and then -- it's  
17 very short -- and then tell me when you've read it.

18 A I've read it, sir.

19 Q Now, what is your understanding of TBN's "great  
20 victory" in the Ward case? What is your understanding of the  
21 great victory, if you know?

22 A It was in the Oregonian, which is our newspaper in  
23 Spred-- that there was a lawsuit by -- I believe her name is  
24 Ruth Ward, against TBN and it got a lot of press in our  
25 community and my understanding is the -- I don't know if the

1 | suit was dismissed or it was -- whatever happened to the  
2 | thing, but it was a positive thing for TBN and so we were  
3 | asked to display this to, I think, encourage our staff that  
4 | there was no wrongdoing and that they had won the victory.

5 |       Q     And where was -- where did you post the notice?

6 |       A     In our lunchroom.

7 |       Q     And you did it for thirty days?

8 |       A     I believe so.

9 |           JUDGE CHACHKIN:  Would you briefly state what the  
10 | lawsuit concerned?

11 |           MR. McCLELLAN:  I'm not real familiar with it.  As I  
12 | understand is Mrs. Ward made some allegations to personnel  
13 | practices or something like that and I'm not real familiar.  
14 | I'm sorry, Your Honor.

15 |           JUDGE CHACHKIN:  Is Ms. Ward a minority member?

16 |           MR. McCLELLAN:  No.  She was a -- she and her  
17 | husband are both white.  I think something to do with IRS or  
18 | Time or something that was -- that she alleged was done  
19 | incorrectly.

20 |           JUDGE CHACHKIN:  Go ahead, Mr. Cohen.

21 |           BY MR. COHEN:

22 |       Q     Now, since you were employed at NMTV, had you ever  
23 | had occasion to speak -- did you ever have occasion to speak  
24 | to David Espinoza?  Since you were employed at NMTV

25 |       A     Since I've been employed at NMTV I don't remember a

1 time, no, sir.

2 Q And I take it you never were in a room with Mr.  
3 Espinoza on NMTV business from the time you became employed at  
4 NMTV.

5 A I can't remember one, sir.

6 Q Same question for Phil Aguilar.

7 A Yes.

8 Q One time at the board meeting, you've testified to.

9 A Yes, sir.

10 Q And that was the only time you spoke to him. Am I  
11 correct?

12 A No, sir. He was a guest on the Joy program  
13 frequently and we would talk about Portland and what was going  
14 on and other NMTV business with him. But it was on a more  
15 leisurely way.

16 Q And that was the time that you spoke with Mr. --  
17 with Pastor Aguilar in connection with the Joy program.

18 A It wasn't about the Joy program. It was just he was  
19 a guest on the Joy program.

20 Q In connection with the Joy program.

21 A Right. He was a guest, yes.

22 Q And you met E.V. Hill at one board member -- at one  
23 board meeting, correct?

24 A Yes.

25 Q The one you testified about, he was present.

1           A     And I -- but I've had other experiences with him,  
2 also.

3           Q     Well, since you've been a director, have you been --  
4 have you had any -- have you had occasion to --

5                   JUDGE CHACHKIN: Mr. McClellan hasn't been a  
6 director.

7                   MR. COHEN: Excuse me. Your point is well taken,  
8 Your Honor.

9                   BY MR. COHEN:

10          Q     Since you've been an employee -- since you've been  
11 an employee, have you had occasion to be in a room with E.V.  
12 Hill other than that one time, at the board meeting you've  
13 testified to?

14          A     Does a limo count?

15          Q     Yeah, a limo counts. Tell me about the limo.

16          A     In Texas, there was a limo that took Dr. Hill and I  
17 to the hotel and we spent some time discussing NMTV and what  
18 we were doing in the community.

19          Q     And when did that occur?

20          A     That happened during the TBN 50th anniversary.

21          Q     And when did that occur?

22          A     A year ago, I believe. At least a year ago.

23          Q     And you were invited to participate?

24          A     Yes, I was.

25          Q     And in what role were you there?

1           A     Representing National Minority Television and as the  
2 announcer for the network.

3           Q     And this was a program that was broadcast from TBN  
4 headquarters in Dallas? Is that it?

5           A     Yes, it was.

6           Q     So you flew from Portland to Dallas.

7           A     Yes, sir.

8           Q     And do you know who picked up the tab for that?

9           A     I don't know, sir.

10          Q     And you flew -- and you went from the airport to the  
11 hotel and E.V. Hill and you shared a limousine or a cab. Is  
12 that what you're saying?

13          A     We actually went from the place that we were holding  
14 the meeting to the hotel.

15          Q     And what was E.V. Hill's role at that anniversary  
16 program, if you know?

17          A     He came to preach and minister.

18          Q     Did you -- did you have occasion to be with E.V.  
19 Hill on any other occasions?

20          A     I believe those are the only two since I've worked  
21 for National Minority Television.

22          Q     And have you talked to him on the telephone  
23 concerning NMTV business since you became a director?

24          A     I'm not a director, sir.

25          Q     Since you became an employee and he became a

1 | director. You're quite right. Since he became a director is  
2 | what I meant.

3 |       A     Not that I can remember.

4 |       Q     I want to ask you about Mr. Ramirez. Now, have you  
5 | been in any meetings with Mr. Ramirez?

6 |       A     Since I became a member of National Minority  
7 | Television?

8 |       Q     Yes. Since you became an employee.

9 |       A     Employee, no. I believe I talked to him once on the  
10 | phone.

11 |       Q     Now, which NMTV directors, to your knowledge, have  
12 | come to the Portland station?

13 |       A     Jane Duff has been there and Dr. Crouch has been  
14 | there.

15 |       Q     Now, there came a time that Phil Aguilar came to  
16 | Portland while he was an NMTV director, correct?

17 |       A     Yes, sir.

18 |       Q     But it's my understanding that he never made it to  
19 | the station. Is that correct?

20 |       A     That's my understanding.

21 |       Q     And you didn't speak with him while he was in  
22 | Portland. Am I correct?

23 |       A     No, I did not.

24 |       Q     And he was speaking at a church down the street from  
25 | the station. Is that right?

1           A     Yes. I believe I was out of town that week.

2           Q     But am I correct that he was speaking at a --  
3 preaching at a church down the street?

4           A     Yes, he was, sir.

5           MR. COHEN: I think I'm done, Your Honor, if I could  
6 just have a minute.

7           JUDGE CHACHKIN: All right. We'll go off the  
8 record.

9                     (Off the record.)

10                    (On the record.)

11           JUDGE CHACHKIN: Mr. Cohen has indicated he has no  
12 further questions. Go ahead, Mr. Shook.

13                               CROSS EXAMINATION

14           BY MR. SHOOK:

15           Q     Mr. McClellan, could you please turn to Paragraph  
16 Nine of your testimony?

17           A     Yes, sir.

18           Q     Just to orient yourself, read to yourself Paragraph  
19 Nine and then I'll ask you some questions about it.

20           A     Now, it's just the first line that's been submitted  
21 into evidence. Is that correct, sir?

22           JUDGE CHACHKIN: No, Paragraph Nine, the entire  
23 paragraph.

24           MR. SHOOK: It's Pages Six and Seven of your  
25 testimony. Paragraph Nine begins at the bottom of Page Six.

1 MR. TOPEL: I wonder if you're on the wrong exhibit.  
2 There's more than one exhibit in that volume.

3 MR. McCLELLAN: Oh, there is?

4 MR. TOPEL: Yeah, you're on the wrong exhibit.

5 MR. McCLELLAN: I'm sorry. I've read it, sir.

6 BY MR. SHOOK:

7 Q Had you ever explored working for a Trinity program  
8 station other than the Portland station?

9 A No, sir. I don't believe I ever had.

10 Q By my question, I'm excluding the southern  
11 California station at which you actually worked.

12 A Right.

13 Q So I'm referring to stations other than Portland and  
14 other than the Southern California station and your answer  
15 would be that you had not explored working for any other  
16 station that did Trinity programming.

17 A That's right, sir.

18 Q Could you please turn to Paragraph Eleven of your  
19 testimony? That begins on Page Eight and carries over to Page  
20 Nine and again, just read that to yourself and then I'll ask  
21 you some questions about it.

22 A Yes, sir. I've read it.

23 Q The last sentence indicates that you continued  
24 medical coverage, but that you paid for it yourself after you  
25 left TBN and before NMTV started picking up your medical

1 coverage, correct?

2 A Yes, sir.

3 Q Did you have the option of continuing your dental  
4 coverage by paying out of your own pocket or was that  
5 something that just terminated once you left TBN's employ?

6 A That just terminated, as far as I remember, sir.

7 Q You had no option of --

8 A I don't believe I had an option on dental.

9 Q With respect to your life insurance, did you have an  
10 option of continuing that until NMTV coverage was available?

11 A I really don't remember. I had my own personal life  
12 insurance. I didn't worry about it.

13 Q Now, I'm not going to ask you for a figure here, so  
14 did you have any retirement benefits as a result of your  
15 working at TBN?

16 A No, sir.

17 Q Could you please read Paragraph 12 of your testimony  
18 to yourself?

19 A Yes, sir.

20 Q Have you ever seen any document which sets forth  
21 NMTV's corporate purposes as you have described them in  
22 Paragraph 12 of your testimony?

23 A No, sir.

24 Q Could you please read Paragraph 13 to yourself?

25 A Yes, sir.

1           Q     Now, again, I'm not going to be asking you for a  
2 figure here. What understanding, if any, did you have as to  
3 whether this salary you were being offered for the Portland  
4 station was equivalent to salaries paid to TBN station  
5 managers such as the ones in Indianapolis and in  
6 Tacoma/Seattle?

7           A     I have no knowledge what they're paid.

8           Q     Could you please read Paragraph 14 to yourself?

9           A     Yes, sir.

10          Q     Who was normally involved in the hiring of station  
11 personnel at TBN?

12          A     I'm not sure. I understand that Terry Hickey was  
13 involved, but that's all I know about it.

14          Q     And how did you --

15          A     And Dr. Crouch.

16          Q     How did you come to know about Mr. Hickey's  
17 involvement and what was your understanding as to what that  
18 involvement was?

19          A     Well, Terry and I used to go to lunch all the time  
20 and talk -- and along with Ben Miller, wherever, and so I  
21 understood he was working for Dr. Crouch and was his right-  
22 hand and we had talked about other opportunities and that --  
23 that they had and I think that was all that -- that's my  
24 surmise, so I don't know for a fact if that's true, but that's  
25 what I believe, as I understand in our conversations.

1 Q The luncheon conversations that you're referring to  
2 involving Mr. Hickey and Mr. Miller would've taken place in  
3 the period roughly 1987 through 1989?

4 A Yes, sir. I believe so.

5 Q I mean, I'm just asking you because I really don't  
6 know, so --

7 A And I don't remember exactly when Terry came back,  
8 so I'm not sure, for sure, but at least in '89.

9 Q At least in 1989. Now, you understood Mr. Hickey to  
10 be an assistant to Mr. Crouch in some capacity?

11 A Yes. Yes, sir.

12 Q And from your conversations with him, you had an  
13 understanding that he was involved in the hiring process in  
14 some fashion?

15 A I'm not so sure as in the hiring processes, that he  
16 was involved with the stations, and I'm not sure what his  
17 capacity was.

18 Q Now, by "with the stations," you're referring to the  
19 owned and operated stations?

20 A Yes. I'm sorry. Yes.

21 Q And in what capacity was he involved with the owned  
22 and operated stations?

23 A I'm sorry. I just know that he was involved with  
24 them in some way or shape or form, that he would talk about  
25 the station and he would talk about what was happening at

1 other stations. So I knew he was involved, but to exactly his  
2 involvement, I'm not sure.

3 Q Now, what stations did you consider -- we're talking  
4 1989 now, so this is going to be along the lines of what your  
5 testimony is here in Paragraph 14. What stations did you  
6 understand or consider to be TBN owned and operated stations?

7 A Southern California, Seattle, Washington, Oklahoma  
8 City, Dallas, Texas, Miami, Florida, New York, and I believe  
9 Richmond/Indiana. I could be wrong.

10 Q And there may be some others, but you don't remember  
11 those?

12 A There may be some others, but -- those I know about.

13 Q Phoenix?

14 A Phoenix -- I'm sorry. Phoenix, Arizona, yes.

15 Q Dallas, Texas?

16 A Yes.

17 Q Now, how is it that you knew that those stations  
18 that you had mentioned and the ones that I've added on were  
19 TBN owned and operated stations?

20 A I had worked for TBN off and on for a number of  
21 years and so some of those stations went on the air while I  
22 was there and I would actually travel to those stations and --  
23 when I worked with the crew and whatever. So I knew them  
24 fairly close.

25 Q Well, you knew those stations did TBN programming,

1 correct?

2 A Yes.

3 Q How did you know that the stations were owned and  
4 operated? What information did you have that led you to  
5 believe that the stations were owned and operated?

6 A It was common knowledge, I believe, at -- Trinity  
7 doing telethons and those kinds of things.

8 Q Was it also common knowledge in 1989 that the Odessa  
9 station was not owned and operated or did you have any  
10 knowledge as to the Odessa station one way or the other?

11 A The Odessa station, as I recall on all the  
12 newsletters and everything, was printed National Minority  
13 Television.

14 Q And what about stations in Harlingen, Beaumont, and  
15 Houston, Texas?

16 A I believe they were Community Educational  
17 Television. It would say CET on all their stations.

18 Q You made reference to some document or list when you  
19 were answering that last question. Do you know what document  
20 or list you're thinking of?

21 A Well, on the back of the newsletters, usually every  
22 month or every other month, they would list the stations and  
23 it would have owned and operated on one column. Then it would  
24 say affiliate stations and would list the affiliates that were  
25 there.

1 Q We had looked at a newsletter not too long ago in  
2 connection with Mr. Cohen's questioning of you and I'm trying  
3 to locate the particular one right now.

4 MR. COHEN: It's Bureau Exhibit 372, Mr. Shook.

5 BY MR. SHOOK:

6 Q Mr. McClellan, it's in Volume Six of our exhibits.  
7 Now, I'd like you to turn to Page Five of the exhibit.

8 A Yes, sir.

9 Q Is this generally the kind of document that you were  
10 thinking of when you talked about a listing of stations?

11 A Yes, sir.

12 Q Now, do you have any knowledge as to whether or not  
13 the stations that are listed here are the only stations that  
14 broadcast TBN programming?

15 A No. There is another list that shows all the cable  
16 systems and other broadcast affiliates. We have a broadcast  
17 affiliate, for example, in Eugene, Oregon that's not on here.  
18 But there is another list that shows each state and each  
19 state, it'll list all the affiliates there. They're owned by  
20 other people, but they -- they're affiliates of TBN.

21 Q Well, do you know why the listing that appears on  
22 Mass Media Exhibit 372 at Page Five includes National Minority  
23 and Community Educational Television stations as well as  
24 Jacksonville Educators Broadcasting, but does not include the  
25 station such as the one you mentioned in Eugene, Oregon?